IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel. W. A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA,	)	
Plaintiff,	)	
vs.	)	**05-CV-0329 GKF-SAJ**
TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC., COBB-VANTRESS, INC., AVIAGEN, INC., CAL-MAINE FOODS, INC., CAL-MAINE FARMS, INC., CARGILL, INC., CARGILL TURKEY PRODUCTION, LLC, GEORGE'S, INC., GEORGE'S FARMS, INC., PETERSON FARMS, INC., SIMMONS FOODS, INC., and WILLOW BROOK FOODS, INC.,	)	
Defendants.	)	

PETERSON FARMS' REPLY TO THE RESPONSE OF THE STATE OF OKLAHOMA TO PETERSON FARMS' MOTION TO COMPEL WITH REGARD TO PLAINTIFFS' AGENCY PRIVILEGE LOGS (DKT # 1276)

Peterson Farms, Inc. ("Peterson") hereby submits its Reply in further support of its Motion to Compel with Regard to Plaintiffs' Agency Privilege Logs [Dkt. #1276].

I. ARGUMENT AND AUTHORITY

A. THE STATE MUST COMPLY WITH FED. R. CIV. P. 26 and N.D. LCvR 26.4.

The State's Response to Petersons' Motion to Compel reinforces Peterson's contention that the State has failed to meet the requirements for its agency privilege logs under Fed. R. Civ. P. 26 and N.D. LCvR 26.4. As Peterson's Motion to Compel states, Peterson has made multiple attempts to obtain the information necessary to evaluate the State's claims of privilege. Rather than provide the simple and necessary information mandated by the rules to support its claims, the State continues to shirk its responsibilities "to describe the nature of the documents, communications or things not produced or disclosed in a manner that . . . will enable other parties to assess the applicability of the privilege or protection." Thus, due to the State's refusal to provide the information required under both federal and state law, it has not met its burden to prove the privilege claims it has made. Thus, all of the documents identified in Exhibits 8 and 11 of Peterson's Motion to Compel should be produced immediately.

B. STATE HAS FAILED TO PROVIDE SUFFICIENT INFORMATION ON ITS LOGS TO ESTABLISH ITS CLAIMS OF ATTORNEY-CLIENT PRIVILEGE

1. The Oklahoma law of attorney-client privilege applies to the documents and communications identified on the State's Logs.

In its Response, the State attempts to obfuscate the directive from the Tenth Circuit that requires its trial courts to seek an analytical solution to determine whether state or federal privilege law should apply when both federal and state law claims are raised within a lawsuit. *See Sprague v. Thorn Americas*, 129 F.3d 1355, 1369 (10th Cir. 1997). In furtherance of its argument, the State cites cases which either predate *Sprague* or are from a different circuit. These cases are easily distinguishable from the facts in this case.

For instance, in *Perrigon v. Bergen*, a case cited by Peterson for the principle that once confidentiality is broken by either the application of federal or state law any claim for privilege is defeated, the court did in fact apply federal law in what it held to be a "primarily a federal question case." *Perrigon v. Bergen*, 77 F.R.D. 455, 458-59 (N.D. Cal. 1978). However, the instant action is not "primarily" a federal question case. Indeed, in this case, the State also asserts jurisdiction based on diversity of citizenship and has made various state positive law claims and common law claims for nuisance, trespass and unjust enrichment, which it contends, if successful, would provide remedies that are unavailable under its "alternative" federal claims.

Furthermore, in the cases cited by the State from the Third Circuit, the question before the court was whether a state law, protecting certain documents from disclosure should apply when the federal law would permit discovery. *See Pearson v. Miller*, 211 F.3d 57, 66 (3d Cir. 2000); *W.M.T. Thompson Co. v. General Nutrition Corp.*, 671 F.2d 100, 104 (3d Cir. 1982). In both cases, the Third Circuit found that, when there are federal law claims in a case also presenting state law claims, the federal rule favoring disclosure, rather than the state law of privilege, is controlling. *Id.* Contrary to the facts of those cases, this Court's analysis must include the effect of Oklahoma's Open Records Act, which dictates public access to government documents with few exceptions. Moreover, the Court is dealing with a state law governing communications between agencies and their attorneys that clearly favors disclosure, and thus discovery, of state agency documents by strictly limiting which documents can be withheld under an attorney client privilege claim. OKLA. STAT. tit. 12, § 2502 (D)(7).

Finally, in *Andritz v. Beazer*, the court, although applying federal law, reasoned that "[i]n deriving the principles of federal common law which apply under Rule 501, the federal courts typically look to the state privilege law and follow its lead unless there is a strong federal policy to contrary." *See Andritz v. Beazer*, 174 F.R.D. 609, 632 (M.D. Pa. 1997) (citing Mia Anna

Mazza, *The New Evidentiary Privilege for Environmental Audit Reports: Making the Worst of a Bad Situation*, 23 ECOLOGY L.Q. 79, 98 (1996)). The State has failed to articulate any strong federal policy that favors protection rather than disclosure of the types of governmental documents that are responsive to Peterson's discovery.

In each of the foregoing cases, the respective courts applied federal common-law of attorney client privilege; however, they identified an analytical solution for doing so. This is the analysis the Tenth Circuit in *Sprague* requires this Court to undertake in this instance, and such analysis should be undertaken in light of reason and experience. *See U.S. v. Prouse*, 945 F.2d 1017, 1024 (8th Cir. 1991). That said, reason and experience dictate that when a party to a lawsuit is a state, the disclosure of that state's documents should be governed by the laws that the state has set out for itself, not federal common-law. Allowing the State to circumvent its own laws governing the disclosure of its own government documents simply by filing a lawsuit in federal court where it has raised both federal and state claims produces an incongruous and unreasonable result: Under the State's proposition, because Peterson is a litigant in federal court, it cannot have access to documents held by the State that any ordinary person could obtain through an Open Records Act request.

The State justifies this preposterous result by presupposing that it is an ordinary private litigant. However, the fact that the State is a sovereign that has enacted "sunshine" laws to allow public access to its records cannot be written out of a reasoned analysis under *Sprague*. For instance, when a federal agency claims that its documents are protected by privilege or confidentiality, the federal courts cannot simply treat that agency as it would any other litigant. In fact, in such scenarios, the courts must look to the exemptions from disclosure under the Freedom of Information Act. *See Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973); *Wyoming v. U.S. Dept. of Agriculture*, 239 F.Supp.2d 1219 (D. Wyo. 2002); *Heggestad v. U.S. Dept. of*

Justice, 182 F.Supp.2d 1 (D.D.C. 2000). A similar analysis applies here. The *Sprague* analysis requires an evaluation of the State's privilege claims under the Oklahoma Open Records Act and Okla. Stat. tit. 12, § 2502 (D)(7), which generally favor disclosure of government documents.

2. State Has the Burden to Support its Claims of Attorney-Client Privilege as to Each Entry on its Agencies' Privilege Logs.

Contrary to the State's contention, OKLA. STAT. tit. 12, § 2502 (D)(7) addresses when a privilege ceases to exist for a communication. Section 2502(D)(7) states that any privilege over a document created "between a public officer or agency and its attorney" ceases to exist when the action, litigation or investigation in which it was created is no longer pending. Thus, the only time under the statute such communication can be considered privileged is while an action, litigation or investigation is pending, and even then, only if its disclosure will not "seriously impair" the agency's ability to conduct its investigation, action or litigation. The State has ignored this final element in preparing its privilege logs as well as its Response to Peterson's Motion to Compel.

Although the State has asserted that its investigation regarding Jock Worley is currently pending, Assistant Attorney General Phillips' Affidavit is insufficient to establish the attorney-client privilege. The Affidavit merely demonstrates that the Department of Mines has reviewed requests for expansion of an existing mining permit. Moreover, simply because the Attorney General requested a hearing about Jock Worley's permit in 2004 is not enough to demonstrate that some ongoing investigation, claim or litigation is pending as required by Section 2502 (D)(7). Ultimately, the Affidavit fails to show that disclosure of the seventeen documents the State is withholding would "seriously impair" the Department of Mine's review of the permit. Interestingly, the documents which Peterson contests are identified on the Oklahoma Department of Environmental Quality's privilege log, not the log from the Department of Mines.

As to the remaining entries on Exhibit 8 to Peterson's Motion, the State has provided absolutely no proof that it created the documents as a part of a pending action, investigation or litigation.[1] The State attempts to justify or minimize its failure by alluding to the 400 boxes of other information it has provided. The amount of documents produced by the State is wholly irrelevant to whether the State's claims of privilege over the documents identified in Exhibit 8 are justified and appropriate. The State's failure in all instances to meet its burden to demonstrate that these documents are protected by attorney-client privilege requires the immediate disclosure of all of those documents.

C. THE STATE HAS FAILED TO PROVIDE INFORMATION SUFFICENT ON ITS LOGS TO ESTABLISH ITS CLAIMS OF WORK PRODUCT PROTECTION.

1. The Information and Documents Sought by Peterson are Discoverable.

From its Response, it is clear that the State is: (1) attempting to shift its burden to demonstrate that each of the documents identified in Exhibit 11 to Peterson's Motion is protected by attorney work product to Peterson; and (2) inappropriately construing the holding in *Frontier Refining, Inc. v. Gorman Rupp Co.*, 136 F.3d 695, 702 (10th Cir. 1998). Once the smoke clears, it is evident that the State has failed to meet its burden to establishing: (1) that it is entitled to make a work product claim by demonstrating that the documents were created in anticipation of litigation or trial; and (2) that the documents are so "closely related" that any claim for work product that may have existed in a prior litigation would extend to this litigation.

2. The State Must Demonstrate the Documents Were Prepared In Anticipation of Litigation.

At the end of the day, the State must make a "clear showing" that the elements of the attorney work product doctrine have been met as to each of its claims for protection. *See*

[1] Although the State characterizes the listing of Trevor Hammons as to OCC Privilege Log No. 12 as merely typographical, it still does not explain or provide proof as to how a 1989 letter regarding Lake Francis is protected by attorney-client privilege some eighteen years later.

American Cas. Co. v. Healthcare Indem., Inc., 2001 WL 1718275, *2 (D. Kan. 2001). Merely stating that the doctrine applies is not sufficient to satisfy this burden. *See McCoo v. Denny's Inc.*, 192 F.R.D. 675, 683 (D. Kan. 2000). Instead of making an attempt to meet this burden for every entry on its privilege logs, the State impermissibly seeks to shift this burden to Peterson, stating that "Peterson cannot pretend it does not know what actions or litigation the items on the privilege log refer to." Response at 12 [Dkt # 1327].

Even assuming *arguendo* that shifting its burden to Peterson is permissible, which it is not, it is impossible for Peterson to discern from the mass of documents the State produced what potential or actual litigation applies to the subject document due to the manner in which the State produced its documents. For example, in its production, the State did not identify the file locations where the documents it pulled and listed on its privilege logs originated. Instead, what Peterson found during its document review were colored sheets of paper placed in the files where privileged documents had been withdrawn from the production. When presented with this scenario during the initial production at the offices of the Oklahoma Department of Environment Quality, counsel for Peterson approached Trevor Hammons and requested that the State provide the Defendants some correlation between the color sheet markers and the entries on the privilege log. The State refused to undertake this simple task, rendering it impossible for Peterson to draw any conclusions about the relationship, if any, between the withdrawn documents and a pending investigation or litigation.

To maintain its work product claims, the State must demonstrate that each of the documents withheld was prepared in anticipation of litigation or for trial by identifying the proposed or actual litigation. *Dawson v. New York Life Ins. Co.*, 901 F.Supp. 1362 (N.D. Ill. 1995). The State failed to take up this challenge in its Response, and thus, its claims of work

product protection for the entries identified on Exhibit 11 to Peterson's Motion to Compel fail, and these documents should be produced forthwith.

3. The State's Claim of Work Product as to Many Entries on the Privilege Logs Are in Actions Which are Not Closely Related to this Litigation.

The State's work product argument as to the documents on Exhibit 11 to Peterson's Motion fails in two primary respects. First, the State argues that the Tenth Circuit's holding in *Frontier* did not acknowledge the existence of the "closely related" doctrine. The State would have this Court ignore its own decisions as well as other district courts' interpretations of the Tenth Circuit's holding in *Frontier*, which acknowledge that, in order for work product protection to extend from one litigation into the current litigation, the prior litigation must be "closely related." *See Frontier*, 136 F.3d at 703; *Winton v. Bd. of Comm'rs of Tulsa County*, 188 F.R.D. 398, 401 (N.D. Okla. 1999) (citing *Frontier*, 136 F.3d at 703); *American Cas. Co. v. Healthcare Indem., Inc*., 2001 WL 1718275, *5 (D. Kan. 2001).

The State also attempts to misdirect the Court's analysis through its circular argument that Peterson's requests that encompass the subject documents establish that the litigation is "closely related." If the State's argument were correct, there would be no need for the "closely related" doctrine as the issue only arises if the documents are responsive to a discovery request.

Accordingly, based upon a review of the State's agency privilege logs, it is evident that documents related to mining operations, a uranium facility, point source dischargers and other entities regulated by various state agencies are not "closely related" to the State's claims in this lawsuit. Because the State cannot demonstrate that the documents on Exhibit 11 to Peterson's Motion to Compel are so "closely related" to the facts of this case that protection under this doctrine exists, the Court should find that any legitimate claim of work product protection in

those matters does not extend to this litigation. Thus, Peterson requests that all of the documents identified on Exhibit 11 to Peterson's Motion to Compel be produced immediately.

4. Even if the Attorney-Work Product Doctrine Applies to the State Agencies' Privilege Log, the Information and Documents Sought Are Discoverable under Federal Rules 26(b)(3) or 26(b)(4).

Under Peterson's alternative argument, the State has failed to rebut Peterson's showing that exceptional circumstances exist to compel the production of this alleged work product. First, the State argues that Peterson has failed to demonstrate why documents related to Sequoyah Fuels are relevant. Relevancy is not the issue. The Sequoyah Fuels facility lies within the IRW as defined by Plaintiffs, and documents related to the facility are clearly responsive as determined by the volume of Sequoyah Fuels documents the State did not withhold from the production. If the State will amend its Complain and redefine the IRW as only containing waters upstream of the dam at Lake Tenkiller, Peterson will withdraw its requests regarding Sequoyah Fuels. Otherwise, because the documents are responsive, and the fact that the State has failed to establish that the physical conditions present at the time these contested documents were created exist today, they must be produced.

The State also argues that Peterson must demonstrate that the information the State has not withheld is insufficient for its experts to arrive at their opinions as to the City of Watts sewage lagoon and Jock Worley's mining permit. The State offers no authority to support such a proposition. Whether the withheld documents affect Peterson's analysis of these operations is a matter incapable of determination at the discovery phase, particularly in a vacuum as the State suggests. Reviewing the limited subject matter identified on the privilege log reveals that the documents withheld derive from specific observations made at or near the time the document was created. These are observations that Peterson cannot replicate today, which thereby satisfies its showing of exceptional circumstances.

The State has not provided sufficient information on the topics specifically identified on Exhibit 11 to Peterson's Motion to Compel. Rather than provide evidence that Peterson's claim of exceptional circumstances is without merit, the State offers only speculation that Peterson can obtain the facts and evidence contained within the documents withheld on Exhibit 11 by some other reasonable means. For example, the State has not sufficiently demonstrated how facts or conditions observed at a site visit to Worley's Gravel operation by ODEQ in 1998 (ODEQ Entry No. 94, Ex. 11 of Peterson's Motion), or regarding the Baron Fork Low Water Dam in 2006 (ODEQ Entry No. 114), or during an investigation of Lake Francis in 1989 (OSRC Entry No. 11) are capable of reproduction today. Ultimately, Peterson has demonstrated that exceptional circumstances exist as to the documents identified on Exhibit 11 of its Motion, and thus, has met its burden for their production pursuant to both Fed. R. Civ. P. 26(b)(3) and 26(b)(4)(B). Therefore, Peterson respectfully requests that all of the documents identified on Exhibit 11 of its Motion to Compel be produced immediately.

D. THE STATE HAS FAILED TO JUSTIFY MAJOR CHANGES BETWEEN THE ORIGINAL PRIVILEGE LOG AND THE REVISED PRIVILEGE LOGS OR PRODUCE ANY DOCUMENTS REMOVED FROM THE ORIGINAL PRIVILEGE LOGS.

Rather than provide justification for the major changes between the versions of its log as specifically identified by Peterson, the State offhandedly characterizes the major changes as scrivener's errors without further comment. As identified within Peterson's Motion to Compel, there were substantive date changes, subject matter changes and at least one entry where the recipients of the document were changed from non-lawyers to lawyers. Each of these changes affects the applicability of the privileges and protections the State claims. Rather than creating a "make work project," Peterson is simply seeking to verify the reason for such drastic changes to the State's privilege logs in order to fully evaluate the State's claims of privilege and work

product protection. Furthermore, the State's continued refusal to provide the justification for these changes it promised to Peterson by no later than July 13, 2007 more than adequately demonstrates the validity of Peterson's concerns. Thus, Peterson respectfully requests the Court conduct an *in camera* review of these specific documents as compared to their entries on the privilege logs for accuracy.

Additionally, the State has failed to comply with the commitments it made to Peterson during the parties' Rule 37 conference on July 2, 2007. More specifically, the State agreed to produce all documents that it removed from its original privilege logs by no later than July 20, 2007. Instead of providing the documents per the agreement or in response to Peterson's Motion, the State now promises the Court that it will produce the documents, but fails to commit to a date when such action will occur. There is no excuse for the State's conduct in this regard, and Peterson requests the Court order the State to immediately produce the documents for which it has withdrawn its privilege claims.

II. CONCLUSION

The State has failed to meet its burden for the withholding of the documents for which it claims attorney-client privilege and work product on Peterson's Exhibits 5, 8 and 11. Based upon the foregoing and the arguments and authority in its Motion to Compel, Peterson respectfully requests the Court order the State to produce (1) all of the documents identified on Exhibits 5, 8 and 11, and (2) the seventeen documents identified as having substantial changes for which the State refuses to justify to Peterson, or alternatively, require the State to provide the requested justification and the Court conduct and *in camera* review of the same to verify the accuracy of those justifications.

Respectfully submitted,

By /s/ Philip D. Hixon
A. Scott McDaniel (Okla. Bar No. 16460) smcdaniel@mhla-law.com
Nicole M. Longwell (Okla. Bar No. 18771)) nlongwell@mhla-law.com
Philip D. Hixon (Okla. Bar No. 19121)) phixon@mhla-law.com
McDANIEL, HIXON, LONGWELL & ACORD, PLLC
320 South Boston Ave., Suite 700
Tulsa, Oklahoma 74103
(918) 382-9200
and
Sherry P. Bartley (Ark. Bar No. 79009)
Appearing Pro Hac Vice
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.
425 W. Capitol Ave., Suite 1800
Little Rock, Arkansas 72201
(501) 688-8800

COUNSEL FOR DEFENDANT
PETERSON FARMS, INC.

CERTIFICATE OF SERVICE

I certify that on the 2nd day of November, 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W. A. Drew Edmondson, Attorney General	drew_edmondson@oag.state.ok.us
Kelly Hunter Burch, Assistant Attorney General	kelly_burch@oag.state.ok.us
J. Trevor Hammons, Assistant Attorney General	trevor_hammons@oag.state.ok.us
Tina L. Izadi, Assistant Attorney General	tina_izadi@oag.state.ok.us
Daniel Lennington, Assistant Attorney General	daniel.lennington@oak.ok.gov
Douglas Allen Wilson	doug_wilson@riggsabney.com,
Melvin David Riggs	driggs@riggsabney.com
Richard T. Garren	rgarren@riggsabney.com
Sharon K. Weaver	sweaver@riggsabney.com
Riggs Abney Neal Turpen Orbison & Lewis	
Robert Allen Nance	rnance@riggsabney.com
Dorothy Sharon Gentry	sgentry@riggsabney.com
Riggs Abney	

J. Randall Miller — rmiller@mkblaw.net

Louis W. Bullock — lbullock@bullock-blakemore.com

David P. Page — dpage@edbelllaw.com
Bell Legal Group

Michael G. Rousseau — mrousseau@motleyrice.com
Jonathan D. Orent — jorent@motleyrice.com
Fidelma L. Fitzpatrick — ffitzpatrick@motleyrice.com
Motley Rice LLC

Elizabeth C. Ward — lward@motleyrice.com
Frederick C. Baker — fbaker@motleyrice.com
William H. Narwold — bnarwold@motleyrice.com
Lee M. Heath — lheath@motleyrice.com
Elizabeth Claire Xidis — cxidis@motleyrice.com
Ingrid L. Moll — imoll@motleyrice.com
Motley Rice
COUNSEL FOR PLAINTIFFS

Stephen L. Jantzen — sjantzen@ryanwhaley.com
Patrick M. Ryan — pryan@ryanwhaley.com
Paula M. Buchwald — pbuchwald@ryanwhaley.com
Ryan, Whaley & Coldiron, P.C.

Mark D. Hopson — mhopson@sidley.com
Jay Thomas Jorgensen — jjorgensen@sidley.com
Timothy K. Webster — twebster@sidley.com
Sidley Austin LLP

Robert W. George — robert.george@kutakrock.com
Michael R. Bond — michael.bond@kutakrock.com
Erin Walker Thompson — erin.thompson@kutakrock.com
Kutak Rock LLP
COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.; AND COBB-VANTRESS, INC.

R. Thomas Lay — rtl@kiralaw.com
Kerr, Irvine, Rhodes & Ables

Jennifer S. Griffin — jgriffin@lathropgage.com
Lathrop & Gage, L.C.
COUNSEL FOR WILLOW BROOK FOODS, INC.

Robert P. Redemann — rredemann@pmrlaw.net
Lawrence W. Zeringue — lzeringue@pmrlaw.net
David C .Senger — dsenger@pmrlaw.net
Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC

Robert E. Sanders rsanders@youngwilliams.com
E. Stephen Williams steve.williams@youngwilliams.com
Young Williams P.A.
COUNSEL FOR CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

George W. Owens gwo@owenslawfirmpc.com
Randall E. Rose rer@owenslawfirmpc.com
The Owens Law Firm, P.C.

James M. Graves jgraves@bassettlawfirm.com
Gary V. Weeks
Paul E. Thompson, Jr. pthompson@bassettlawfirm.com
Bassett Law Firm
COUNSEL FOR GEORGE'S INC. AND GEORGE'S FARMS, INC.

John R. Elrod jelrod@cwlaw.com
Vicki Bronson vbronson@cwlaw.com
P. Joshua Wisley jwisley@cwlaw.com
Conner & Winters, P.C.

Bruce W. Freeman bfreeman@cwlaw.com
D. Richard Funk
Conner & Winters, LLLP
COUNSEL FOR SIMMONS FOODS, INC.

John H. Tucker jtuckercourts@rhodesokla.com
Colin H. Tucker chtucker@rhodesokla.com
Theresa Noble Hill thillcourts@rhodesokla.com
Rhodes, Hieronymus, Jones, Tucker & Gable

Terry W. West terry@thewesetlawfirm.com
The West Law Firm

Delmar R. Ehrich dehrich@faegre.com
Bruce Jones bjones@faegre.com
Krisann Kleibacker Lee kklee@baegre.com
Dara D. Mann dmann@faegre.com
Todd P. Walker twalker@faegre.com
Faegre & Benson LLP
COUNSEL FOR CARGILL, INC. AND CARGILL TURKEY PRODUCTION, LLC

Michael D. Graves mgraves@hallestill.com
D. Kenyon Williams, Jr. kwilliams@hallestill.com
COUNSEL FOR POULTRY GROWERS

William B. Federman wfederman@aol.com
Jennifer F. Sherrill jfs@federmanlaw.com
Federman & Sherwood

Charles Moulton — charles.moulton@arkansag.gov
Jim DePriest — jim.depriest@arkansasag.gov
Office of the Attorney General
COUNSEL FOR THE STATE OF ARKANSAS AND THE ARKANSAS NATURAL RESOURCES COMMISSION

Carrie Griffith — griffithlawoffice@yahoo.com
COUNSEL FOR RAYMOND C. AND SHANNON ANDERSON

Gary S. Chilton — gchilton@hcdattorneys.com
Holladay, Chilton & Degiusti, PLLC

Victor E. Schwartz — vschwartz@shb.com
Cary Silverman — csilverman@shb.com
Shook, Hardy & Bacon, LLP

Robin S. Conrad — rconrad@uschamber.com
National Chamber Litigation Center, Inc.
COUNSEL FOR AMICI CURIAE CHAMBER OF COMMERCE FOR THE U.S. AND THE AMERICAN TORT REFORM ASSOCIATION

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

C. Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118
COUNSEL FOR PLAINTIFFS

Thomas C. Green
Sidley Austin Brown & Wood LLP
1501 K Street NW
Washington, DC 20005
COUNSEL FOR TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC.; AND COBB-VANTRESS, INC.

Dustin McDaniel
Justin Allen
Office of the Attorney General of Arkansas
323 Center Street, Suite 200
Little Rock, AR 72201-2610
COUNSEL FOR THE STATE OF ARKANSAS AND THE ARKANSAS NATURAL RESOURCES COMMISSION

/s/ Philip D. Hixon